

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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:
In re: Methyl Tertiary Butyl Ether :
("MTBE") Products Liability Litigation :

ORDER

This Document Relates To: All Cases

: **Master File No. 1:00-1898**
: **MDL 1358 (SAS)**
: **M21-88**

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SHIRA A. SCHEINDLIN, U.S.D.J.:

On August 14, 2008, I appointed Seth Ard as Special Master in MDL 1358. That Order is amended as follows. IT IS HEREBY ORDERED THAT:

1. Pursuant to Federal Rule of Civil Procedure 53(a), I am appointing Kieran Gostin as Special Master to further assist the Court. The Court has received an affidavit from Mr. Gostin disclosing whether there are any grounds for disqualification under section 455 of Title 28 of the United States Code; there are no such grounds.
2. This Order is effective as of November 2, 2009.
3. The Special Master is directed "to proceed with all reasonable diligence" in the performance of his duties. Fed. R. Civ. P. 53(b)(2). To wit, Mr. Gostin is appointed to perform the same duties as those typically performed by a

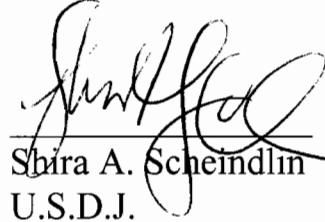
law clerk, but he will be dedicated solely to these cases. The Special Master will not make findings of fact or law, nor will he be required to issue reports. Rather, he will assist the Court in the administrative and managerial facets of these consolidated actions.

4. In furtherance of his duties, the Special Master may communicate *ex parte* with the Court on any matter. The Special Master may not communicate *ex parte* with the parties (except to arrange scheduling matters) without the consent of the Court.
5. The Special Master shall not preserve or file any materials as a record of his activities.
6. Because the Special Master will not make any findings or propose any orders or recommendations, Rule 53(b)(2)(D) is inapplicable.
7. Notwithstanding anything contained in Rule 53(c) of the Federal Rules of Civil Procedure, the Special Master will not have any authority to impose contempt sanctions on any party or nonparty.
8. Notwithstanding anything contained in Rule 53(d) of the Federal Rules of Civil Procedure, the Special Master will not have any authority to compel, take, or record evidence.
9. The Special Master will be compensated equally by the plaintiffs and

defendants. His compensation will be approximately equal to the compensation of a judicial law clerk who has a commensurate level of experience, subject to approval of this Court.

10. Finally, this Order may be amended at any time upon notice to the parties, and an opportunity to be heard.

SO ORDERED:


Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
October 30, 2009

- Appearances -

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